

OHIO CIVIL RIGHTS COMMISSION

CHARGE OF DISCRIMINATION (EMPLOYMENT)

OCRC Case Number: (CLE) B4 (44538) 03172018

EEOC Case Number: 22A-2018-07005

ALH

Your Name

Frank Dundee

Your Street Address

7707 Amberwood Trail

City, State and Zip

Boardman, Ohio 44512

Telephone Number

Alternate Number (Optional)

Email Address (Optional)

Company Name

University Hospitals Cleveland

Company Street Address

11100 Euclid Ave

City, State and Zip

Cleveland, Ohio 44106

County (if located in Ohio)

Geauga

Telephone Number

(216) 844-3722

of Employees

28.000

Date of Hire

05/01/2010

Dates of Discrimination (MM/DD/YYYY): 11/06/2017; 01/10/2018

I was discriminated on the basis of:

Race/Color

Sex

☒ Disability (DO NOT LIST DISABILITY)

Age (over 40 years old only)

Religion

National Origin/Ancestry

Military Status

☒ Retaliation (for protesting discrimination)

Please identify how you are a member of the category you marked on the left: (If you marked **AGE**, please list your **BIRTH DATE**. If you have marked **DISABILITY**, **DO NOT IDENTIFY** your disability.)

I was retaliated against for filing a protected activity; the retaliation included an ADA violation of mandatory EAP sessions.

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Please read and review the following:

I have not commenced with any action under sections 4112.14 or 4112.02(N) of the Ohio Revised Code with respect to the subject matter of the affidavit. I understand that upon filing of this charge with the Ohio Civil Rights Commission, I am barred from instituting any such civil action and that any monetary award or financial benefit I may receive may be limited to back pay and/or restoration of employment fringe benefits and may not include other damages to which I may be entitled as a result of such civil action.

I am filing a charge alleging AGE DISCRIMINATION and I have read and understand the above information.

☐ I am NOT filing a charge alleging AGE DISCRIMINATION and this does not apply to me

EXHIBIT

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Charging Party: Frank Dundee

Case Number: (CLE) B4 (44538) 03172018

Act of Discrimination #1

Date of Discrimination (MM/DD/YYYY): 01/10/2018

I was subjected to (mark only one issue):

- ☐ a denial of promotion
- ☐ a forced resignation
- ☐ demotion
- ☐ denial of hire
- ☐ denial of a reasonable accommodation
- ☐ different terms and conditions of employment
- ☐ discharge/termination
- ☒ discipline
- ☐ harassment/sexual harassment
- ☐ layoff
- ☐ other

I believe it was because of my:

- ☐ Race/Color
- ☐ Sex
- ☐ Disability
- ☐ Age
- ☐ Religion
- ☐ National Origin/Ancestry
- ☐ Military Status
- ☒ Protected activity (retaliation)

If you have marked "other", please briefly describe the discriminatory act:

The reason given by the company for this action is:

A final warning for using the words, "You're a good kid", "he's a pup with little experience" and "A nice boy, but..." in two emails to an HR rep concerning implementation of two cost-saving suggestions. The UH discipline policy requires sessions in the EAP, including a psychiatric examination

I was given this reason by (name and position):

Shawn Osborne, VP Pharmacy Services, Danialle Lynce Head of HR, Geauga Community Hospital

I am aware of others treated more favorably than me including:

George Brown, Larry Schepps, Susan Thabit

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I believe that this was discrimination because:

I filed a charge of sexual harassment against my supervisor on June 26, 2016. The retaliation began at a meeting on 8/5/2016. On June 26, 2017 I was given a final warning. On 11/22/2017 I received a letter dated 11/06/2017 threatening me with termination unless I attended an EAP session, which I did on 1/10/2018, in violation of the ADA concerning allowable medical examinations by an employer.

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Case Number: (CLE) B4 (44538) 03172018

Act of Discrimination #2 (Optional)

Date of Discrimination (MM/DD/YYYY):

I was subjected to (mark only one issue):

- ☐ a denial of promotion
- ☐ a forced resignation
- ☐ demotion
- ☐ denial of hire
- ☐ denial of a reasonable accommodation
- ☐ different terms and conditions of employment
- ☐ discharge/termination
- ☒ discipline
- ☐ harassment/sexual harassment
- ☐ layoff
- ☐ other

I believe it was because of my:

- ☐ Race/Color
- ☐ Sex
- ☐ Disability
- ☐ Age
- ☐ Religion
- ☐ National Origin/Ancestry
- ☐ Military Status
- ☒ Protected activity (retaliation)

If you have marked "other", please briefly describe the discriminatory act:

The reason given by the company for this action is:

That I was in the final warning of the UH discipline procedure and mandated to attend EAP sessions, including a psychiatric examination.

I was given this reason by (name and position):

Shawn Osborne, VP Pharmacy Services

I am aware of others treated more favorably than me including:

George Brown, Larry Schepps, Susan Thabit

I believe that this was discrimination because:

Mandatory EAP sessions violate the Americans with Disabilities Act because they are, in essence, an unlawful medical examination at the Employer's request.

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Please check to indicate you have read and agreed to the statements below.

- ✓ I understand that I will not be able to sign this form on-line. A copy will be mailed out to me for a notarized signature. An investigation will not begin until the Ohio Civil Rights Commission receives a signed and notarized charge from me.
- ✓ I declare under penalty of perjury that I have read the above charge and that it is true to the best of my knowledge, information and belief. I will advise the agency/agencies if I change my address or telephone number and that I will cooperate fully in the processing of my charge in accordance to their procedures.

Frank Dundee
Charging Party

4. 14. 2018
Date

Subscribed and sworn to before me on this 14th day of April of 20 18

Philip M. Snyder, Esq.
OCRC Representative or Notary

Philip M. Snyder, Esq.
Attorney At Law, Ohio, # 0071672
Notary Public, State of Ohio
My commission has no expiration
date § 147.03 R.C.

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